

PATENT COOPERATION TREATY

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EXAMINING AUTHORITY**

PCT

**NOTIFICATION OF TRANSMITTAL
OF INTERNATIONAL PRELIMINARY
REPORT
(Rule 71.1 PCT)**

To: HAMANN, Arndt Saurer GmbH & Co. KG Landgrafenstrasse 45 41069 Mönchengladbach GERMANY		Date of mailing (Day/month/year) 06.12.2005
Applicant's or agent's file reference WS 2274 PCT	IMPORTANT NOTIFICATION	
International application No. PCT/EP2005/000292	International filing date (Day/Month/Year) 14.01.2005	Priority date (Day/Month/Year) 15.01.2004
Applicant SAURER GMBH & CO. KG et al		

1. The Applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the International Preliminary Report on patentability and its annexes, if any, established on the International Application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for Communication to all the elected Offices.
3. Where required by any of the elected offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those offices.
4. **REMINDER**

The Applicants must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the information sent by the International Bureau with form PCT/1B/301).

Where a translation of the International Application must be furnished to an elected Office, that translation must contain a translation of any annexes to the International Preliminary Report on patentability. It is the Applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices see Volume II of the PCT Applicant's guide.

The Applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purpose of International Preliminary Examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure of the invention and clarity and support for the claims.

Name and mailing address of the International Examining Authority: European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorised officer Conner, M Tel. +49 89 2399 - 2241 EPO stamp
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PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

Applicant's or agent's file reference	FOR FURTHER ACTION	See Form PCT/IPEA/416
WS 2274 PCT		
International application No.	International filing date (Day/Month/Year)	Priority date (Day/Month/Year)
PCT/EP2005/000292	14.01.2005	15.01.2004
International Patent Classification (IPC) or national classification and IPC G01N21/892, G01N33/36, G01N21/89		
Applicant SAURER GMBH & CO. KG et al.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority according to Article 35 and transmitted to the Applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising
 - a. (sent to the Applicant and to the International Bureau), as follows:
 - ☐ Sheets of the description, claims and/or drawing which have been amended and are the basis of this report and/or sheets containing rectifications authorised by this authority (see Rule 70.16 and Section 607 of the Administration instructions).
 - ☐ Sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the International Application as filed, as indicated in Item 4 of Box No. 1 and the supplemental box.
 - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s), containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the supplemental box relating to the sequence listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinions with regard to novelty, inventive step and any industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the request for preliminary examination 03.08.2005	Date of completion of this report 06.12.2005
Name and mailing address of the International Examining Authority: European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorised officer Croucher, J Tel. +49 89 2399 - <div style="text-align: right;">EPO stamp</div>

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International Application No. PCT/EP2005/000292

Box No. 1	Basis of the report
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1. With regard to the **language**, this report is based on the International Application in the language in which it was filed, if nothing different is stated under this point.

- ☐ The report is based on a translation from the original language into the following language, which is the language of the translation, which has been filed for the following purpose:
- ☐ international search (according to Rules 12.3 and 23.1b)
 - ☐ publication of the international application (according to Rule 12.4)
 - ☐ international preliminary examination (according to Rules 55.2 and/or 55.3)

2. With regard to the **elements*** of the international application, the report is based on *(replacement sheets which have been furnished to the receiving office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, pages

1-8

in the originally filed version

Claims. No.

1-15

in the originally filed version

Drawings, sheets

 $1/2, 2/2$

in the originally filed version

- ☐ a sequence listing and/or any related tables – see supplemental box relating to sequence listing

3. ☐ The amendments have resulted in the cancellation of:
- ☐ Description: page
 - ☐ Claims: No.
 - ☐ Drawings: Sheet/Figs.
 - ☐ Sequence listing (*specify*):
 - ☐ any tables relating to the sequence protocol (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered in the opinion of the authority to go beyond the disclosure as originally filed, as indicated in the supplemental box (Rule 70.2 c)).
- ☐ Description: page
 - ☐ Claims: No.
 - ☐ Drawings: Sheet/Figs.
 - ☐ Sequence listing (*specify*):
 - ☐ any tables relating to the sequence listing (*specify*):

* If Item 4 applies, some or all of the sheets may be marked "superceded".

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International Application No.
PCT/EP2005/000292

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; documents and explanations supporting such statement

- | | | |
|----|-------------------------------|--------------------------------|
| 1. | Statement | |
| | Novelty (N) | Yes: Claims 1-15
No: Claims |
| | Inventive step (IS) | Yes: Claims 1-15
No: Claims |
| | Industrial applicability (IA) | Yes: Claims 1-15
No: Claims |

2. Documents and explanations (Rule 70.7):

see supplementary sheet

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(SUPPLEMENTARY SHEET)**

International Application No. PCT/EP2005/000292

Item V

Novelty, inventive step and industrial applicability

1. Prior Art

1.1 Reference is made to the following document:

D1: EP 0643294 A1 (ZELLWEGE)

2. Article 33(1) PCT

**2.1 The Document D1 is regarded as the closest prior art compared to the subject of claim 1.
It discloses (the references in brackets relate to this document):**

Method for optically monitoring a running fibre strand (F Fig. 1) made of natural fibres, in which at least one light signal (7 Fig. 1) is transmitted onto the fibre strand and in which a light signal emitted by the fibre strand is received by a detector (3 Fig. 1) and is evaluated to determine a foreign substance made of synthetic material.

2.2 In addition, claim 1 discloses that an output region for the light signal is scanned by the detector, which is arranged outside an input region, in which the light signal impinges on the fibre strand, the light signal being transmitted from the input region to the output region by the light-guiding properties of the foreign substance made of synthetic material.

2.3 The subject of claim 1 is therefore novel (Article 33(2) PCT).

2.3 The object to be achieved with the present invention can therefore be seen in that identification of foreign fibres which are of the same colour or transparent in the fibre strand is possible.

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(SUPPLEMENTARY SHEET)**

International Application No. PCT/EP2005/000292

2.4 The solution to the aforementioned problem proposed in claim 1 is regarded as inventive for the following reasons (Article 33(3) PCT):

- The known method of D1 is based on the fact that the foreign substances and foreign fibres are present with regard to their appearance in such a way that they have a clearly different reflection behaviour of light signals compared to the fibres to be produced.
- In the cases in which foreign fibres or foreign substances of the same colour are incorporated in a fibre strand, identification is not possible with the known method.

2.5 A method according to D1 can therefore not solve the object posed. This citation does not give the person skilled in the art any indications either as to how the object posed can be solved.

2.6 As a result, the subject of the main claim 1 and *mutatis mutandis* of the independent claim 8, can therefore be regarded as novel and inventive. The sub-claims 2 to 7 and 9 to 15 describe preferred embodiments of the invention. As they are dependent on claim 1, or claim 8, they also meet the requirements of the PCT with regard to novelty and an inventive step.